

For provisions relating to disaster relief, see section 5121 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 31, 1970, see section 304 of Pub. L. 91-606, set out as an Effective Date of 1970 Amendment note under section 165 of Title 26, Internal Revenue Code.

CHAPTER 15A—RECIPROCAL FIRE PROTECTION AGREEMENTS

SUBCHAPTER I—PROTECTION OF UNITED STATES PROPERTY

Sec.

1856. Definitions.

1856a. Authority to enter into reciprocal agreement; waiver of claims; reimbursement; ratification of prior agreements.

1856a-1. Authority to enter into contracts with State and local governmental entities.

1856b. Emergency assistance.

1856c. Service in line of duty.

1856d. Funds.

SUBCHAPTER II—WILDFIRE SUPPRESSION WITH FOREIGN FIRE ORGANIZATION

1856m. Definitions.

1856n. Implementation.

(a) Reciprocal agreement; waiver of claims; termination of agreement; reimbursement.

(b) Emergency wildfire protection resources; furnishing or accepting in absence of agreement.

(c) Reimbursement of Canada.

(d) Service in line of duty.

1856o. Funds.

1856p. Repealed.

SUBCHAPTER I—PROTECTION OF UNITED STATES PROPERTY

§ 1856. Definitions

As used in this subchapter—

(a) The term “agency head” means the head of any executive department, military department, agency, or independent establishment in the executive branch of the Government;

(b) The term “fire protection” includes personal services and equipment required for fire prevention, the protection of life and property from fire, and fire fighting; and

(c) The term “fire organization” means any governmental entity or public or private corporation or association maintaining fire protection facilities within the United States, its Territories and possessions, and any governmental entity or public or private corporation or association which maintains fire protection facilities in any foreign country in the vicinity of any installation of the United States.

(May 27, 1955, ch. 105, § 1, 69 Stat. 66.)

§ 1856a. Authority to enter into reciprocal agreement; waiver of claims; reimbursement; ratification of prior agreements

(a) Each agency head charged with the duty of providing fire protection for any property of the United States is authorized to enter into a reciprocal agreement, with any fire organization maintaining fire protection facilities in the vicinity of such property, for mutual aid in furnishing fire protection for such property and for

other property for which such organization normally provides fire protection. Each such agreement shall include a waiver by each party of all claims against every other party for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement. Any such agreement may provide for the reimbursement of any party for all or any part of the cost incurred by such party in furnishing fire protection for or on behalf of any other party.

(b) Any agreement heretofore executed which would have been authorized by this subchapter, if this subchapter had been in effect on the date of execution thereof, is ratified and confirmed.

(May 27, 1955, ch. 105, § 2, 69 Stat. 66.)

§ 1856a-1. Authority to enter into contracts with State and local governmental entities

Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the pre-suppression, detection, and suppression of fires on any units within their jurisdiction.

(Pub. L. 102-154, title III, § 309, Nov. 13, 1991, 105 Stat. 1034.)

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1992, and not as part of act May 27, 1955, which comprises this subchapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act: Pub. L. 101-512, title III, § 310, Nov. 5, 1990, 104 Stat. 1959.

§ 1856b. Emergency assistance

In the absence of any agreement authorized or ratified by section 1856a of this title, each agency head is authorized to render emergency assistance in extinguishing fires and in preserving life and property from fire, within the vicinity of any place at which such agency maintains fire-protection facilities, when the rendition of such assistance is determined, under regulations prescribed by the agency head, to be in the best interest of the United States.

(May 27, 1955, ch. 105, § 3, 69 Stat. 67.)

§ 1856c. Service in line of duty

Any service performed under section 1856a or section 1856b of this title, by any officer or employee of the United States or any member of any armed force of the United States shall constitute service rendered in line of duty in such office, employment, or force. The performance of such service by any other individual shall not constitute such individual an officer or employee of the United States for the purposes of subchapter I of chapter 81 of title 5.

(May 27, 1955, ch. 105, § 4, 69 Stat. 67.)

CODIFICATION

“Subchapter I of chapter 81 of title 5” substituted for “the Federal Employees’ Compensation Act, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 1856d. Funds

Funds available to any agency head for fire protection on installations or in connection with activities under the jurisdiction of such agency may be used to carry out the purposes of this subchapter. All sums received by any agency head for fire protection rendered pursuant to this subchapter shall be covered into the Treasury as miscellaneous receipts.

(May 27, 1955, ch. 105, §5, 69 Stat. 67.)

SUBCHAPTER II—WILDFIRE SUPPRESSION
WITH FOREIGN FIRE ORGANIZATION

§ 1856m. Definitions

As used in this subchapter—

(1) the term “fire organization” means any governmental, public, or private entity having wildfire protection resources;

(2) the term “wildfire protection resources” means personnel, supplies, equipment, and other resources required for wildfire pre-suppression and suppression activities; and

(3) the term “wildfire” means any forest or range fire.

(Pub. L. 100-428, §2, Sept. 9, 1988, 102 Stat. 1615.)

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-11, §1, Apr. 7, 1989, 103 Stat. 15, provided that: “This Act [repealing section 1856p of this title] may be cited as the ‘Wildfire Suppression Assistance Act’.”

SHORT TITLE

Section 1 of Pub. L. 100-428 provided: “That this Act [enacting this subchapter] may be cited as the ‘Temporary Emergency Wildfire Suppression Act’.”

§ 1856n. Implementation

(a) Reciprocal agreement; waiver of claims; termination of agreement; reimbursement

(1) The Secretary of Agriculture or the Secretary of the Interior, in consultation with the Secretary of State, may enter into a reciprocal agreement with any foreign fire organization for mutual aid in furnishing wildfire protection resources for lands and other properties for which such Secretary or organization normally provides wildfire protection.

(2) Any agreement entered into under this subsection—

(A) shall include a waiver by each party to the agreement of all claims against every other party to the agreement for compensation for any loss, damage, personal injury, or death occurring in consequence of the performance of such agreement;

(B) shall include a provision to allow the termination of such agreement by any party thereto after reasonable notice; and

(C) may provide for the reimbursement of any party thereto for all or any part of the costs incurred by such party in furnishing

wildfire protection resources for, or on behalf of, any other party thereto.

(b) Emergency wildfire protection resources; furnishing or accepting in absence of agreement

In the absence of any agreement authorized under subsection (a) of this section, the Secretary of Agriculture or the Secretary of the Interior may—

(1) furnish emergency wildfire protection resources to any foreign nation when the furnishing of such resources is determined by such Secretary to be in the best interest of the United States, and

(2) accept emergency wildfire protection resources from any foreign fire organization when the acceptance of such resources is determined by such Secretary to be in the best interest of the United States.

(c) Reimbursement of Canada

Notwithstanding the preceding provisions of this section, reimbursement may be provided for the costs incurred by the Government of Canada or a Canadian organization in furnishing wildfire protection resources to the Government of the United States under—

(1) the memorandum entitled “Memorandum of Understanding Between the United States Department of Agriculture and Environment Canada on Cooperation in the Field of Forestry-Related Programs” dated June 25, 1982; and

(2) the arrangement entitled “Arrangement in the Form of an Exchange of Notes Between the Government of Canada and the Government of the United States of America” dated May 4, 1982.

(d) Service in line of duty

Any service performed by any employee of the United States under an agreement or otherwise under this subchapter shall constitute service rendered in the line of duty in such employment. The performance of such service by any other individual shall not make such individual an employee of the United States.

(Pub. L. 100-428, §3, Sept. 9, 1988, 102 Stat. 1615.)

§ 1856o. Funds

Funds available to the Secretary of Agriculture or the Secretary of the Interior for wildfire protection resources in connection with activities under the jurisdiction of such Secretary may be used to carry out activities authorized under agreements or otherwise under this subchapter, or for reimbursements authorized under section 1856n(c) of this title: *Provided*, That no such funds may be expended for wildfire protection resources or personnel provided by a foreign fire organization unless the Secretary determines that no wildfire protection resources or personnel within the United States are reasonably available to provide wildfire protection.

(Pub. L. 100-428, §4, Sept. 9, 1988, 102 Stat. 1616.)

§ 1856p. Repealed. Pub. L. 101-11, §2, Apr. 7, 1989, 103 Stat. 15

Section, Pub. L. 100-428, §5, Sept. 9, 1988, 102 Stat. 1616, provided that authority to enter into agreements, to furnish or accept emergency wildfire protection re-

sources, or to incur obligations for reimbursement under section 1856n of this title was to terminate Dec. 31, 1988.

CHAPTER 15B—AIR POLLUTION CONTROL

SUBCHAPTER I—AIR POLLUTION PREVENTION AND CONTROL

§§ 1857 to 1857c-9. Transferred

CODIFICATION

Section 1857, act July 14, 1955, ch. 360, title I, §101, formerly §1, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 392; renumbered title I, §101, and amended Oct. 20, 1965, Pub. L. 89-272, title I, §101(2), (3), 79 Stat. 992; Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 485, which related to Congressional findings and declaration of purpose, was transferred to section 7401 of this title.

Section 1857a, act July 14, 1955, ch. 360, title I, §102, formerly §2, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 393; renumbered title I, §102, Oct. 20, 1965, Pub. L. 89-272, title I, §101(3), 79 Stat. 992; amended Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 485; Dec. 31, 1970, Pub. L. 91-604, §15(c)(2), 84 Stat. 1713, which related to cooperative activities, was transferred to section 7402 of this title.

Section 1857b, act July 14, 1955, ch. 360, title I, §103, formerly §3, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 394; renumbered title I, §103, and amended Oct. 20, 1965, Pub. L. 89-272, title I, §§101(3), 103, 79 Stat. 992, 996; Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 486; Dec. 31, 1970, Pub. L. 91-604, §§2(a), 4(2), 15(a)(2), (c)(2), 84 Stat. 1676, 1689, 1710, 1713, which related to research, investigations, training, and other activities, was transferred to section 7403 of this title.

Section 1857b-1, act July 14, 1955, ch. 360, title I, §104, as added Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 487; amended Dec. 5, 1969, Pub. L. 91-137, 83 Stat. 283; Dec. 31, 1970, Pub. L. 91-604, §§2(b), (c), 13(a), 15(c)(2), 84 Stat. 1676, 1677, 1709, 1713; Apr. 9, 1973, Pub. L. 93-15, §1(a), 87 Stat. 11; June 22, 1974, Pub. L. 93-319, §13(a), 88 Stat. 265, which provided for research relating to fuels and vehicles, was transferred to section 7404 of this title.

Section 1857c, act July 14, 1955, ch. 360, title I, §105, formerly §4, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 395; renumbered and amended §104, Oct. 20, 1965, Pub. L. 89-272, title I, §101(2)-(4), 79 Stat. 992; Oct. 15, 1966, Pub. L. 89-675, §3, 80 Stat. 954; renumbered title I, §105, and amended §105, Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 489; Dec. 31, 1970, Pub. L. 91-604, §§3(a), (b)(1), 15(c)(2), 84 Stat. 1677, 1713, which related to grants for support of air pollution planning and control programs, was transferred to section 7405 of this title.

Section 1857c-1, act July 14, 1955, ch. 360, title I, §106, as added Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 490; amended Dec. 31, 1970, Pub. L. 91-604, §3(c), 84 Stat. 1677, which related to interstate air quality agencies and program cost limitations, was transferred to section 7406 of this title.

Section 1857c-2, act July 14, 1955, ch. 360, title I, §107, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1678, which related to air quality control regions, was transferred to section 7407 of this title.

Section 1857c-3, act July 14, 1955, ch. 360, title I, §108, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1678, which related to air quality criteria and control techniques, was transferred to section 7408 of this title.

Section 1857c-4, act July 14, 1955, ch. 360, title I, §109, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1679, which related to procedure for and promulgation of national primary and secondary ambient air quality standards, was transferred to section 7409 of this title.

Section 1857c-5, act July 14, 1955, ch. 360, title I, §110, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1680; amended June 22, 1974, Pub. L. 93-319, §4, 88 Stat. 256; S. Res. 4, Feb. 4, 1977, which related to State implementation plans for national primary and secondary ambient air quality standards, was transferred to section 7410 of this title.

Section 1857c-6, act July 14, 1955, ch. 360, title I, §111, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1683; amended Nov. 18, 1971, Pub. L. 92-157, title III, §302(f), 85 Stat. 464, which related to standards of performance for new stationary sources, was transferred to section 7411 of this title.

Section 1857c-7, act July 14, 1955, ch. 360, title I, §112, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1685, which related to national emission standards for hazardous air pollutants, was transferred to section 7412 of this title.

Section 1857c-8, act July 14, 1955, ch. 360, title I, §113, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1686; amended Nov. 18, 1971, Pub. L. 92-157, title III, §302(b), (c), 85 Stat. 464; June 22, 1974, Pub. L. 93-319, §6(a)(1)-(3), 88 Stat. 259, which related to Federal enforcement procedures, was transferred to section 7413 of this title.

Section 1857c-9, act July 14, 1955, ch. 360, title I, §114, as added Dec. 31, 1970, Pub. L. 91-604, §4(a), 84 Stat. 1687; amended June 22, 1974, Pub. L. 93-319, §6(a)(4), 88 Stat. 259, which related to recordkeeping, inspections, monitoring, and entry, was transferred to section 7414 of this title.

§ 1857c-10. Repealed. Pub. L. 95-95, title I, § 112(b)(1), Aug. 7, 1977, 91 Stat. 709

Section, act July 14, 1955, ch. 360, title I, §119, as added June 22, 1974, Pub. L. 93-319, §3, 88 Stat. 248, related to the authority of the Administrator of the Environmental Protection Agency to deal with energy shortages. See section 7413 of this title.

References to section 1857c-10 appearing in section 792 of Title 15, Commerce and Trade, shall be construed to refer to section 7413(d) of Title 42, The Public Health and Welfare, see Compliance Orders note set out under section 792 of Title 15.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 7, 1977, see section 406 of Pub. L. 95-95, set out as an Effective Date of 1977 Amendment note under section 7401 of this title.

§§ 1857d to 1857f-6c. Transferred

CODIFICATION

Section 1857d, act July 14, 1955, ch. 360, title I, §115, formerly §5, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 396; renumbered §105 and amended Oct. 20, 1965, Pub. L. 89-272, title I, §§101(2), (3), 102, 79 Stat. 992, 995; renumbered §108 and amended Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 491; renumbered §115 and amended Dec. 31, 1970, Pub. L. 91-604, §§4(a), (b)(2)-(10), 15(c)(2), 84 Stat. 1678, 1688, 1689, 1713, which related to abatement of air pollution by means of conference procedure, was transferred to section 7415 of this title.

Section 1857d-1, act July 14, 1955, ch. 360, title I, §116, formerly §109 as added Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 497; renumbered and amended Dec. 31, 1970, Pub. L. 91-604, §4(a), (c), 84 Stat. 1678, 1689; June 22, 1974, Pub. L. 93-319, §6(b), 88 Stat. 259, which related to retention of State authority concerning air pollution, was transferred to section 7416 of this title.

Section 1857e, act July 14, 1955, ch. 360, title I, §117, formerly §6, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 399; renumbered §106, Oct. 20, 1965, Pub. L. 89-272, title I, §101(3), 79 Stat. 992; renumbered §110 and amended Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 498; renumbered §117 and amended Dec. 31, 1970, Pub. L. 91-604, §§4(a), (d), 15(c)(2), 84 Stat. 1678, 1689, 1713, which related to an Air Quality Advisory Board and to advisory committees, was transferred to section 7417 of this title.

Section 1857f, act July 14, 1955, ch. 360, title I, §118, formerly §7, as added Dec. 17, 1963, Pub. L. 88-206, §1, 77 Stat. 399; renumbered §107, Oct. 20, 1965, Pub. L. 89-272, title I, §101(3), 79 Stat. 992; renumbered §111 and amended Nov. 21, 1967, Pub. L. 90-148, §2, 81 Stat. 499; renumbered §118 and amended Dec. 31, 1970, Pub. L. 91-604, §§4(a), 5, 84 Stat. 1678, 1689, which related to control and